

Responses to Comment Set 35

- 35-1 As explained in Section B.3.2, the discussion of the future Phase 2 Carquinez Strait crossing is presented for information only, as its feasibility is speculative at this time. When and if SFPP decides to pursue Phase 2, appropriate consultation with CDFG and other agencies will occur, the route of the crossing will be defined, and alternatives will be analyzed in accordance with the California Environmental Quality Act. The discussion of Phase 2 within the EIR is provided to reveal potential, foreseeable project modifications.
- 35-2 The CSLC concurs and believes that the inclusion of mitigation measures in Sections D.4 (Biological Resources), D.6 (Environmental Contamination and Hazardous Materials), and D.8 (Hydrology and Water Resources) and the Draft EIR's analysis of the Existing Pipeline ROW Alternative will enable the CSLC's consideration of the Proposed Project and the routing favored by the Department.
- 35-3 Mitigation Measure BB-2a (Rare Plant Avoidance) has been modified in response to this comment (see Section 4, changes to Section D.4.3.3, page D.4-40) and is now titled "Rare Plant Avoidance or Potential Impact". The word "loss" was not included in the title because avoidance is the most important concept for this measure.
- 35-4 Mitigation Measure BB-5a (Wetlands Avoidance or Restoration) has been modified in response to this comment and comments from other parties (see Section 4, changes to Section D.4.3.3, page D.4-43).
- 35-5 Areas of riparian habitat have been defined in the Jurisdictional Delineation Concord to Sacramento Pipeline Project dated April 11, 2003, prepared by URS for SFPP (see Draft EIR Appendix 1E). The Draft EIR (Table B-3 on page B-11) identifies each waterway crossing and defines the type of construction that is proposed at each crossing; the crossing method defined in this table is considered by the CSLC to be a commitment from SFPP and it cannot be modified without prior CSLC approval. Section D.8 (Hydrology and Water Quality) of the Draft EIR includes Mitigation Measure HS-1b (Open Cut Crossing Methods) and Mitigation Measure HS-1a (Construction Plans to Define Water Crossings). The CSLC considers these to be consistent with the CDFG recommendation to conduct open cut work under "dry" conditions because work must occur during the period of low stream flow, and any stream flow, if present, must be diverted away from the work.
- Mitigation Measures BB-5c (Riparian Avoidance and Restoration), BB-5a (Wetland Avoidance and Restoration), and BW-1e (Minimize Disturbance at Water Crossings) present measures to reduce impacts on wetlands and riparian habitat to less than significant levels. Because final design of the pipeline has not been completed, these measures require that SFPP coordinate with CDFG, USFWS, NOAA Fisheries, and the USACE to ensure compliance with relevant regulations and permits. The CSLC expects SFPP to conduct future consultation with CDFG in the process of obtaining Streambed Alteration Agreements. This consultation will provide CDFG the opportunity to require additional suitable site-specific measures for each stream crossing if it deems additional measures would be necessary.
- 35-6 Mitigation Measure BW-3a (Protect Special Status Wildlife) presents specific measures for protection of the California red-legged frog, the giant garter snake, the western burrowing owl, and the salt marsh harvest mouse. This mitigation is based on information within the Biological

Assessment (BA) submitted to the USFWS and NOAA Fisheries for its Section 7 consultation. SFPP will complete consultation with the USFWS and NOAA Fisheries pursuant to Federal Endangered Species Act Section 7, and all relevant federal requirements resulting from that consultation will be implemented (as defined in Mitigation Measure BW-3d, Consultation to Minimize Impacts). A copy of the draft Biological Opinion provided by the USFWS is provided in Appendix A, for your reference. Specific requirements listed in this comment have been added to Mitigation Measure BW-3a (see Section 4, changes to page D.4-53). For burrowing owls, the requirement to construct two artificial burrows for each burrow closed is included in the measure as shown in the Draft EIR, page D.4-55. For salt marsh harvest mouse, a requirement for a vegetation-clearing plan has been added. Other recommendations for video probes of burrows and the details of post construction monitoring would be implemented subsequent to the consultation required by Mitigation Measure BW-3d.

- 35-7 Table ES-1 in the Executive Summary (see Section 4 of this Final EIR, which includes the revised Executive Summary) summarizes impacts and mitigation measures for impacts related to construction wastes including spills of construction materials, including oils and fuels: Impacts HS-2: Discharge of Chemical Contaminants into the Streamflow During Construction, GW-2: Groundwater Quality Degradation from Pollutants During Construction, and US-3: Solid Waste Disposal each relate to this impact. No specific mitigation is recommended for those impacts because the Draft EIR found that the Proposed Project's compliance with the required Hazardous Materials Management Plan and Stormwater Pollution Prevention Plan would ensure that impacts related to the potential for contamination during construction would be less than significant. These plans would include contingencies for spills, requirements for containment and recovery, and requirements for disposal as recommended by CDFG.
- 35-8 This Final EIR includes revisions to Section D.2.2.2 (in Section D.2, Pipeline Safety and Risk of Accidents) that introduce the State-level Lempert-Keene-Seastrand Oil Spill Prevention and Response Act (see Section 4, changes to page D.2-23).
- 35-9 The Draft EIR includes a discussion in Section D.2.3.4 of the communications system that SFPP upgraded recently. One of these upgrades included the installation of a system-wide satellite communications system. This system allows SFPP to reduce its SCADA system pole times from once every one minute, to once every five seconds. This results in greater data resolution and improved leak detection performance. Communication may be enhanced somewhat by using fiber optic communications; however, the pole times would not be significantly reduced below the current five-second cycle.

SFPP's proposed leak detection system is designed to exceed current regulatory requirements. CSLC is advised that several technologies could be employed to further enhance the leak detection system (e.g., pressure point analysis, real dynamic flow modeling). These technologies are feasible and would likely result in some marginal leak detection system performance improvements. The performance of these technologies depends on additional pipeline instrumentation that is not presently included in the Proposed Project. Please refer to modifications of Mitigation Measures S-2b (Leak Detection) and S-2c (Valve Review) under Impact S-2 and Mitigation Measure S-2h (Design and Design Approval) under Impact S-2.5 (see the revisions to Section D.2 in Section 4 of this Final EIR). CLSC is aware of other leak detection methods, including permeable membrane leak detection, sonic transmitters/detectors, and leak sensing cables; however, the feasibility of these methods is generally limited to very short distances. They are not considered to be feasible for the entirety of a 70-mile pipeline.

- 35-10 This Final EIR includes revisions to the first paragraph of Section D.2 (see Section 4, changes to page D.2-1) and to Section D.2.3.7 (see Section 4, changes to page D.2-45) to clarify how Section D.2 presents the impacts to public safety and the anticipated frequency of various sized unintentional releases, while the other analyses in the EIR address impacts of accidents to each environmental issue area (e.g., in Section D.4 for Biological Resources).

The reaction times stated in the EIR for valve closure are considered to be reasonable, and CSLC believes they are somewhat conservative (i.e., times are somewhat longer than experience indicates). To minimize potentially significant impacts, CSLC investigated whether the shipping pumps and selected motor operated valves could be automatically shut-down or closed in lieu of the proposed remote operation, initiated by an operator. Engineering issues that need to be considered in such an evaluation are surge pressure and pressure relief. Please refer to modifications of Mitigation Measure S-2h (Design and Design Approval) under Impact S-2.5 (see the revisions to Section D.2 in Section 4 of this Final EIR).

Section D.2.1.5 of the Draft EIR discusses the effectiveness of block valves. As noted, in most cases, in the event of an unintentional release, only a fraction of the pipeline contents is lost between adjacent block valves. As a result, failure to close a manually operated valve may not necessarily result in a significant increase in the resulting spill volume. Therefore, changing a manually operated valve to remote or automatic operation may not necessarily result in a significant spill volume reduction. Valve effectiveness is primarily affected by the location of the unintentional release, the pipeline profile on each side of an unintentional release, and the release flow rate; valve effectiveness is site specific, varying along the pipeline. Four sites were evaluated in the Draft EIR, Section D.2.3.7. To provide further analysis of valve effectiveness during final design, Mitigation Measure S-2c (Valve Review) has been revised in this Final EIR (see Section 4, changes to page D.2-36) to require a comparison of the effectiveness of manually operated versus remotely operated valves and conversion of manually operated valves to remote or automatic operation where appropriate to reduce potential spill volume.

- 35-11 The location of Spill Scenario #4 was selected because it is adjacent to the Toe Drain that connects with both the Sacramento River and the Deep Water Ship Channel. While it is not possible to determine exactly where a spill would flow, it is likely that a 10,000 barrel spill occurring at this location would contaminate both surface and groundwater. The impacts of pipeline spills affecting aquatic biological resources and surface water quality are discussed in the Draft EIR in Sections D.4.3.4 and D.8.3.4, respectively. Although mitigation measures are identified for the spill scenarios, the Draft EIR indicates that Impact B-1, regarding degrading aquatic habitats (pages D.4-60 through -66), and Impact HS-5, regarding contamination of surface water (page D.8-18 through -20), would be significant and unmitigable. The text in Section D.2.3.7 of the Draft EIR has been revised to clearly state that a significant (Class I) impact could occur under Spill Scenario #4 (see Section 4, changes to page D.2-49).

- 35-12 Please refer to the Responses to Comments 35-10 and 35-11, above.

- 35-13 The CSLC concurs. The appropriate pipeline depth would be determined in conjunction with the CSFM and local flood control districts. The text of Mitigation Measure HS-4a (Adequate Pipeline Burial and Protection) has been revised in this Final EIR to ensure that CSLC approval of the design would occur in conjunction with that of local flood control districts would provide oversight of appropriate crossing depths (see Section 4, changes to page D.8-18).

- 35-14 The Draft EIR shows that construction plans for water crossings would require approval from the CSLC in conjunction with the CDFG. This Final EIR includes revisions to Mitigation Measure HS-1a (Construction Plans to Define Water Crossings) to specify the Suisun Marsh closure period (see Section 4, changes to page D.8-12).
- 35-15 This Final EIR includes revisions to Table A-1 (Permits Required) (see Section 4, changes to page A-1) to clarify the requirements for easements from the CDFG.